FILED
JUL 29 1965
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 318

JOHN A. BURNS, Governor of the State of Hawaii, *Appellant*,

v.

WILLIAM S. RICHARDSON, ET AL., *Appellees*.

No. 323

ELMER F. CRAVALHO, et al., *Appellants*,

v.

WILLIAM S. RICHARDSON, et al., *Appellees*.

Upon Appeal from the United States District Court for the District of Hawaii

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Harold S. Roberts
2646 Oahu Avenue
Honolulu, Hawaii
PETITIONER

Richard K. Sharpless
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Honolulu, Hawaii
COUNSEL

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JOHN A. BURNS, Governor of the State of Hawaii,
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Upon Appeal from the United States District Court for the District of Hawaii

MOTION FOR LEAVE TO FILE A BRIEF AMICUS

To the Honorable, Chief Justice, and Associate Justices of the Supreme Court of the United States:

Harold S. Roberts, Petitioner, respectfully represents:

(1) He is and for 18 years has been a citizen and taxpayer of the State of Hawaii, and resides in Honolulu, Hawaii.

(2) He was a delegate to the Constitutional Convention of 1950, which drafted the Constitution adopted by the people of Hawaii and which is now in effect.

(3) He has been actively interested in the reapportionment problems of Hawaii and was called as a witness before the Committee of the Whole meetings of the Senate and House of the Special Session of the Legislature of Hawaii in 1964 when it was considering the reapportionment problems involved in this litigation.

(He testified before the House of Representatives, pre-session hearings, July 20, 1964; Senate pre-session hearings, July 21, 1964; House of Representatives hearings, July 27, 1964 on House Bills 2, 3 & 4; House of Representatives hearings, August 7, 1964 on House Bills 5 & 6; Senate hearings, July 28, 1964 on Criteria for Reapportioning and the Role of the Constitutional Convention; Senate hearings, July 29, 1964 on S.B. 10 and S.B. 12; Senate hearings, August 5, 1964 on Unicameralism and Bicameralism; and before the Senate Judiciary Committee on May 3, 1965 on S.B. 475, S.B. 745, and H.B. 677, 699, 894 and 936.)

(4) He has written a number of articles on Hawaii's Constitution published in the Christian Science Monitor, the National Municipal Review and State Government. He helped compile the Proceedings of the Hawaii State Constitutional Convention and wrote the Preface. His testimony on Reapportionment was published in the Hearings before Congress in 1959 and the Honolulu Advertiser has recently published a series of 10 articles on Hawaii's Reapportionment problems written by him.

(5) He has been informed and believes and therefore avers that no opposition will be submitted to the jurisdictional statements filed by the appellants herein.

(6) He believes that no brief will be filed in support of the decision appealed from.

(7) There is a substantial question relating to the effect of the Hawaii State Supreme Court decision which has been treated superficially by Appellant in No. 318 (Brief, pp. 31-32) and not even cited by Appellant in No. 323.

(8) Your petitioner believes that the decision of the Hawaii State Supreme Court (Guntert v. Richardson, 394 P. 2d 444 [Haw. 1964]) requires dismissal of the appeal and affirmance of the

decision of the order appealed from. Your petitioner submits that the order below is correct and should be implemented without delay.

(9) He also believes that appeal from the February 17, 1965 order except for point 4, was not timely or properly raised.

Your petitioner requested counsel for Appellants herein to consent to the filing of a brief, counsel for Appellants John A. Burns and counsel for Elmer Cravalho refused consent.

Wherefore, the petitioner prays that he be permitted to file the brief amicus curiae, submitted herewith and this Court make such other orders as it deems appropriate to render a judgment in accordance with the Constitution of the United States and the Constitution of the State of Hawaii.

Respectfully submitted,

HAROLD S. ROBERTS
Petitioner

RICHARD K. SHARPLESS
Counsel

July 1965